

# Supreme Court of Kentucky

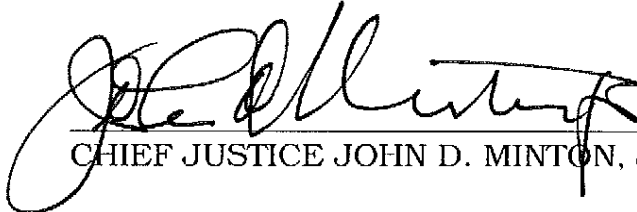
## ORDER

IN RE: ORDER APPROVING THE RULES OF PRACTICE AND  
PROCEDURE OF THE THIRTIETH JUDICIAL CIRCUIT,  
JEFFERSON CIRCUIT COURT FAMILY DIVISION

Upon recommendation of the Chief Judge of the Thirtieth  
Judicial Circuit, and being otherwise sufficiently advised,

The attached Rules of Practice and Procedure for the  
Thirtieth Judicial Circuit, Jefferson Circuit Court Family Division, are  
hereby approved. This Order shall be effective as of the date of this  
Order, and shall remain in effect until further orders of this Court.

ENTERED this the 28 day of June 2011.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

# Supreme Court of Kentucky

## ORDER

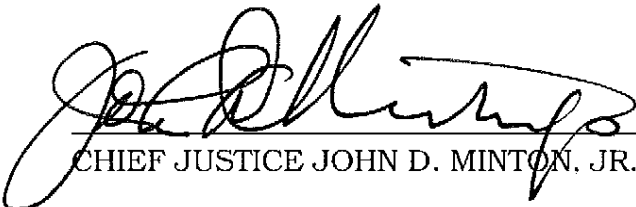
**RE: JEFFERSON COUNTY FAMILY COURT  
PROPOSED RULE 907**

Notwithstanding the provisions of CR 77.04, the Jefferson County Circuit Court Clerk is hereby authorized to electronically transmit court orders and other documents consistent with proposed Jefferson Family Court Rule 907, set forth as follows:

To facilitate more efficient processing, the Jefferson County Family Court Clerk may electronically transmit court orders and other documents relating to actions from the Dependency, Neglect and Abuse docket and the Status docket, to the Cabinet for Health and Family Services, the Court Designated Workers, and to attorneys who have agreed to electronic receipt of Court orders, on an as-needed basis, to facilitate more efficient processing.

This authorization is limited for the purposes of a pilot project to study the efficacy of service of orders by the court electronically. The Chief Family Court Judge and the Circuit Court Clerk shall periodically report to the Chief Justice regarding the implementation of this rule. This Order shall remain in effect until further Orders of this Court.

Entered this the 23<sup>rd</sup> day of June 2011.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF COURT  
PRACTICE AND PROCEDURE  
COMMONWEALTH OF KENTUCKY**

**JEFFERSON CIRCUIT COURT  
FAMILY DIVISION**

WEBSITE

<http://courts.ky.gov/circuitcourt/familycourt/sites/jefferson/default.htm>

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## **RULE 1 INTRODUCTION / ADMINISTRATIVE PROCEDURE**

### **101 Preface**

These are the Uniform Rules of Court Practice and Procedures of the Jefferson Circuit Court, Family Division (Jefferson Family Court). These Rules supplement the Kentucky Family Court Rules of Procedure and Practice (FCRPP), the Kentucky Rules of Criminal Procedure (RCr) and the Kentucky Rules of Civil Procedure (CR). These rules shall be the only operative Jefferson Family Court Rules. All previous rules adopted by the Jefferson Family Court are hereby rescinded.

### **102 Effective Date**

The effective date of these rules shall be thirty (30) days after Kentucky Supreme Court approval.

### **103 Citation**

These Rules shall be cited as JFRP.

### **104 Assignment of Cases**

- A. The current alphabetical assignment of cases among the Jefferson Family Courts is available in the Jefferson Family Court Clerk's Office, the Jefferson Family Court Administrator's Office, or on the Jefferson Family Court Website:  
<http://courts.ky.gov/circuitcourt/familycourt/sites/jefferson/default.htm>
- B. Case assignment shall be made alphabetically based on the last name of the female litigant. For filing, where both litigants are of the same sex, the action shall be assigned based on the petitioner's last name. Dependency, neglect, abuse, status and custody cases shall be assigned based on the child's mother's last name. In order to facilitate the concept of one-family, one-judge, if a subsequent action is filed regarding the same litigants, that action shall be assigned to the family court division before which the parties first appeared.
- C. Cases will be alphabetically assigned to the appropriate division by utilizing the spelling of the second part of a hyphenated last name.

### **105 Holidays**

Holiday schedules may be obtained at the Jefferson Family Court Clerk's Office, the Jefferson Family Court Administrator's Office, or on the Jefferson Family Court website:  
<http://courts.ky.gov/circuitcourt/familycourt/sites/jefferson/default.htm>

## **RULE 2 MOTION HOUR**

### **201 Regular Motion Hour Schedule**

- A. For all Jefferson Family Court actions except those set forth in JFRP 201(B), Motion Hour shall be on Monday. The schedule may be obtained at the Jefferson Family Court Clerk's Office, the Jefferson Family Court Administrator's Office or on the Jefferson Family Court website:  
<http://courts.ky.gov/circuitcourt/familycourt/sites/jefferson/default.htm>

- B. Motions for Paternity, Dependency, Neglect and Abuse, Status and Domestic Violence actions shall be noticed for the beginning of the appropriate and regularly scheduled docket.
- C. Emergency Dependency, Neglect and Abuse and Status motions may be made on any day of the week, with appropriate notice, on each division's Emergency Dependency, Neglect and Abuse and Status docket, upon approval of an assistant county attorney. Non-emergency Dependency and Status motions shall be noticed for the beginning of the appropriate and regularly scheduled docket.
- D. Arraignment on paternity bench warrants served shall be heard on the regularly scheduled paternity docket or if none, on the daily emergency docket.

## **202 Exceptions to Regular Motion Hour Schedule**

There shall be no Motion Hour during the week of the Judicial College. Whenever a state holiday falls on a Monday, the Motion Hour shall be held on the following Tuesday. If the court is closed for any other unforeseen reason, i.e., inclement weather, the Motion Hour shall be passed to the following Monday.

## **203 Deadline for Serving and Filing Motions**

- A. All motions pursuant to JFRP 201(A) shall be filed and clocked no later than 4:30 p.m. on the preceding Wednesday with copies to be mailed, hand delivered or sent by electronic transmission (CR 5.02) by 4:30 p.m. on Wednesday. All motions filed after 4:30 p.m. on such Wednesday shall be automatically passed to the next Motion Hour.
- B. If the Jefferson Family Court is closed on Thursday or Friday, motions pursuant to JFRP 201(A) shall be filed and clocked no later than 4:30 p.m. on the preceding Tuesday with copies to be mailed, hand delivered or sent by electronic transmission by 4:30 p.m. on Tuesday. All motions filed after 4:30 p.m. on Tuesday shall be passed to the next Motion Hour.
- C. All non-emergency Paternity, Dependency, Neglect and Abuse, Domestic Violence, and Status motions shall be filed, clocked and noticed no later than 4:30 p.m. three business days preceding the appropriate docket, with copies being mailed, hand-delivered or sent by electronic transmission. All motions filed after the deadline shall be passed to the docket's next scheduled Motion Hour. Notice to the Jefferson County Attorney may be accomplished by placing a copy of the notice and motion in the Jefferson County Attorney basket located in the Jefferson Family Court Clerk's Office.
- D. All motions on the Dependency, Neglect and Abuse and Paternity dockets shall be scheduled during the first half-hour of these dockets. The Court may pass the motions for a hearing.

# **RULE 3 ADOPTIONS / TERMINATION OF PARENTAL RIGHTS**

## **301 Inspection of Adoption Records**

Applications regarding inspection of Adoption Records Requests are distributed evenly among all Jefferson Family Court Judges on a rotating basis, beginning with Division One.

### **302 Temporary Custody Order**

Temporary Custody Orders granted pursuant to KRS 199.473(7) shall be SEALED, and not opened to inspection by persons other than the parties to such proceedings and their counsel.

### **303 Assignment of Adoption Cases**

Adoption cases shall be assigned to the division that heard the prior dependency, neglect and abuse and/or termination of parental rights action, and, if none, shall be assigned utilizing the petitioner's last name.

### **304 Assignment of Voluntary Termination of Parental Rights Cases**

Petitions for voluntary termination of parental rights shall be assigned among the Jefferson Family Courts according to the birth mother's last name.

## **RULE 4 DOMESTIC VIOLENCE PETITIONS**

### **401 Procedures for Filing and Obtaining Emergency Protective Orders**

A verified petition for a Domestic Violence Order (DVO) and ex parte Emergency Protective Order (EPO) shall be filed at the Domestic Violence Intake Center (DVIC) on the 1<sup>st</sup> floor of the Hall of Justice at 600 West Jefferson Street, Louisville, Kentucky 40202. The DVIC is open 24 hours a day 7 days a week, including holidays. The telephone numbers are (502) 595-4697 or (502) 595-0855.

### **402 Violation of Domestic Violence Orders**

- A. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders should be referred to the Jefferson District Court for possible prosecution, except as set forth in 402 (B).
- B. Without limiting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support, counseling, or firearms provisions should be initiated through the Jefferson Family Court and scheduled for contempt hearings on the appropriate Jefferson Family Court docket.

### **403 Hearings**

Cases shall be scheduled in fifteen minute intervals to ensure that all cases set for a given date and time are heard in a timely manner. If parties require more than fifteen minutes to present their evidence, the Court may assign the parties to a time at the end of the docket, or the parties may be given another date.

## **RULE 5 PATERNITY**

### **501 Motion Practice**

- A. Motions for wage assignments pursuant to KRS 403.215 and KRS 405.465, appointment of Guardian ad Litem, for Guardian ad Litem fees, and to compel discovery shall not be placed on the regular docket but shall stand submitted to the Court unless a written objection and



request for hearing is filed within ten (10) days of the date contained in the Certificate of Service.

- B. Motions for default judgments for failure to plead or otherwise defend, as provided by the Rules of Civil Procedure, shall not be noticed for a hearing before the Court but shall be: 1) scheduled for an out of court pretrial conference; or 2) filed with the Court and stand submitted upon filing. If the court determines a hearing necessary under CR 55.01, a hearing date will be assigned.
- C. Motions to modify, suspend, or terminate child support and to determine arrearages accrued on child support orders shall be scheduled or referred for an out of court post-settlement conference conducted by the Jefferson County Attorney's Child Support Division. Forms for post-settlement motions can be obtained at the Jefferson Family Court Clerk's Office.
- D. If an agreement is not reached at a post-judgment conference held by the Jefferson County Attorney's Office, motions to modify child support filed by an obligor with multiple cases shall be passed to the Jefferson Family Court in which the case with the oldest child is assigned. That Jefferson Family Court will hear the multiple cases for the sole purpose of the motion to modify child support. Motions other than establishment or modification of child support shall be filed and heard in the appropriate division for each individual.
- E. All matters relating to UIFSA Registration for Enforcement only of a foreign support order shall be filed in and heard on the Jefferson Family Court's Paternity dockets. This includes, but is not limited to, contempt proceedings in such actions.

## **502 Pretrial Procedures**

### **Pretrial Conference**

- A. In all cases in which the respondent files an answer admitting to the paternity of the child, or signs an affidavit of paternity, or the genetic test report contains an inclusionary result, the case shall be scheduled by either party for an out-of-court pretrial conference conducted by the Jefferson County Attorney's Child Support Division.
- B. The purpose of the out-of-court pretrial conference is to explore the possibility of settlement, to simplify the issues and agree upon the issues of fact and law to be heard by the Court, and to explore possible stipulations of fact and documents that will avoid unnecessary proof.
- C. If a case is not settled at the out-of-court pretrial conference, the parties shall certify their attendance at the conference and identify all unresolved issues. Pretrial certification forms may be obtained from the Jefferson County Attorney's Child Support Division.
- D. No case shall be scheduled for a hearing on the regular court docket for trial, motion for judgment on the pleadings, motion for summary judgment, or motion for an original child support order without first scheduling a pretrial conference.
- E. Nothing in this Rule shall prohibit the parties from entering into an agreed judgment of paternity and order of support and filing the same for approval by the Court off-docket without conducting an out-of-court pretrial conference unless the Cabinet for Health and Family Services is a party and/or providing benefits and if so, the Cabinet shall be notified prior to submitting the order to the Court.

### **503 Guardian ad Litem/Military Attorney appointed for actions filed pursuant to KRS 406**

1. In order to be appointed as Guardian ad Litem, any licensed attorney in good standing with the Kentucky Bar Association may apply, subject to continued ratification by a majority of the judges of the Jefferson Family Court Term. The appointment is to be made and compensation paid according to the statute, case law, or civil rule authorizing the appointment.
  2. Application is to be made by submitting the appropriate form, which is available in the Jefferson Family Court Administrator's Office. Appointees serving as Guardians ad Litem who fail to demonstrate appropriate knowledge of the statutes, law and procedures in the area in which appointment is made may be stricken from the list by a majority vote of the members of the Court.
  3. Motions for compensation shall be accompanied by an affidavit indicating:
    - a. The statutory basis for appointment;
    - b. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
    - c. That the action or proceedings have been concluded.
  4. Guardians ad Litem appointed to represent unmarried infants, persons of unsound mind, or adult prisoners shall notify the respondent of his/her appointment as a Guardian ad Litem, inform the respondent of the nature of the proceeding and of the respondent's right to have genetic testing conducted.
  5. Within sixty (60) days of the appointment, the Guardian ad Litem shall file an answer on behalf of the respondent or a report stating that, after careful examination of the case, he/she is unable to present a defense.
- A. The failure of the Guardian ad Litem or Military Attorney to file an answer or report within sixty (60) days of notification of appointment may result in sanctions being imposed against the attorney and removal from the Jefferson Family Court Guardian Ad Litem or Military Attorney List.

### **504 Reopening Fee**

- A. Pursuant to FCRPP 14(1), a \$50.00 reopening fee shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, rather than by Title IV-D counsel, the fee shall be charged unless the motion is brought in forma pauperis.

### **505 Administrative Establishment of Support Obligations**

- A. The Jefferson County Attorney, Child Support Division, as agent for the Cabinet for Health and Family Services (CHFS), may administratively establish a child support and/or medical obligation pursuant to KRS 405.430, if:
1. Paternity is not in question,
  2. There is no existing order of child support,
  3. The non-custodial parent resides or works in Kentucky, and

4. The non-custodial parent's address is known.
- B. The support obligation shall be determined in accordance with the guidelines found in KRS 403.212.
- C. Pursuant to KRS 405.450, the non-custodial parent shall have the right to appeal the administrative order to a CHFS hearing officer.
- D. Jefferson Family Court shall be the appropriate venue for appeals of a hearing officer's final order. No Petition for Review of an administrative order shall be filed in Jefferson Family Court until all administrative remedies have been exhausted. Judicial review shall be conducted in accordance with KRS 13B.150.

#### **506 Permission to Review and Copy Paternity Case Files**

Upon receipt of the Jefferson Family Court Clerk's Office of an attorney's statement seeking permission to review and copy a paternity case file, **OR** upon the receipt by the Jefferson Family Court Clerk's Office of a party's signed and notarized release authorizing an attorney to inspect the party's paternity case file, for reasons relating to representation in that action of a party thereto, the Clerk's office shall grant the attorney access to such a file.

Pursuant to KRS 406.035, the attorney seeking permission to review and/or copy the paternity file shall sign a statement that the order of judgment is the only information which may be shared with the client and that all other information in the case cannot be disclosed to the client, including information relating to domestic violence or child abuse as well as the addresses of the parties. Regardless of the subsequent representation or non-representation of the party, any information contained in such file is confidential and subject to the attorney-client privilege.

#### **507 Access to Paternity Cases for Attorneys and Guardians ad Litem Representing Incarcerated Parents**

The Jefferson Family Court Clerk's Office shall allow attorneys and Guardians ad Litem who are representing incarcerated parents in paternity cases to have access to the records of those actions.

### **RULE 6 DEPENDENCY, ABUSE, AND NEGLECT**

#### **601 Procedure for Emergency Custody Orders**

In Jefferson County, to obtain an Emergency Custody Order as set forth in FCRPP 19:

- A. During normal working hours, 8:30 a.m. to 4:30 pm. Monday through Friday, excluding holidays, persons seeking an Emergency Custody Order (ECO), shall come to the Jefferson County Judicial Center's Family Court Clerk's Office. If a Jefferson Family Court Support Worker assists a person in obtaining an ECO, the support worker is to fax a copy to the Cabinet for Health and Family Services (CHFS) Hotline. If a CHFS social worker is granted an ECO, the social worker is to provide a copy to the agency. A copy shall also be provided to the person seeking the ECO prior to leaving the Jefferson Family Court Clerk's Office. The original ECO shall remain with the Jefferson Family Court Clerk's Office.

- B. After working hours, 4:30 p.m. to 8:30 a.m. Monday through Friday and on weekends, the on-call District Court judge or trial commissioner shall be contacted. If the ECO is granted at the Home of the Innocents (HOI), the law enforcement officer or HOI staff will complete the ECO and provide the original order to CHFS. CHFS will file the original order with the Jefferson Family Court Clerk's Office on the next working day.

## **602 Petition**

- A. All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the assistant Jefferson County attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the county attorney, it shall be submitted to a Family Court judge for determination of legal sufficiency. If the judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the assistant county attorney or judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the assistant county attorney assigned to prosecute dependency actions and the original shall be filed with the Office of the Jefferson Family Court Clerk.
- B. Any petition filed with this Court shall comply with the following conditions:
1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and
  2. Full information concerning the child's parents and their address(es). The petitioner shall make diligent efforts to locate the child's parents, including but not limited to, initiating contact with the Child Support Division of the Jefferson County Attorney's Office.

## **603 The Effects of Service on Only One Parent/Persons Exercising Custodial Control or Supervision**

The judge may permit the Temporary Removal Hearing or the adjudicatory hearing to go forward when the non-custodial parent has not been served in accordance with FCRPP 18.1 if it is established on the record that petitioner has made diligent efforts to serve all other parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

## **604 Time for Temporary Removal Hearing**

The Temporary Removal Hearing shall be held according to the following guidelines:

- A. The Temporary Removal Hearing shall be scheduled on the dependency docket of the division to which the case is assigned if that docket will be held within 72 hours, excluding holidays and weekends, of the issuance of an ECO. If the division's dependency docket will not be held within 72 hours, the Temporary Removal Hearing will be scheduled for the division's emergency docket within 72 hours of the issuance of the ECO. Such hearing should be scheduled toward the end of the 72 hours to allow time for service to be attempted.
- B. The Temporary Removal Hearing shall be held no earlier than the day following the filing of the petition to allow time for service to be attempted.

## **605 Guardians ad Litem and Parent Attorneys**

The Court shall assign three Guardians ad Litem and three or four parent attorneys to each division of Jefferson Family Court in order to facilitate consistent, high-quality advocacy representation of all parties.

## **606 Duty of Guardian ad Litem and Parent Attorney to Continue**

After a Guardian ad Litem or parent attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect, abuse, or termination of parental rights and adoption proceedings. All parties shall be served with notice of an attorney's request to withdraw.

## **607 Records and Transcripts**

A videotaped record of all proceedings shall be kept and copies shall be available to the parties and their counsel upon request in accordance with the provisions of FCRPP 27.

## **608 Dispositional Hearing**

At the dispositional hearing CHFS shall provide the court with the information required pursuant to FCRPP 28 by completing form DNA 12. In addition, if the siblings have been separated, CHFS shall explain the reasons for the separation.

# **RULE 7 DOMESTIC RELATIONS PRACTICE**

## **701 Required Case Information**

- A. A Case Data Information sheet shall be filed with the petition (Form AOC-FC-3).
- B. In any divorce action where the parties are ordered to attend a Divorce Education Program, the Jefferson Family Court Clerk's Office shall provide a copy of the Case Data Information sheet to the Families In Transition Office.

## **702 Appearances, Waivers, and Agreements**

- A. Any unrepresented party who signs and acknowledges an appearance and waiver or agreement shall do so before a notary or deputy clerk.
- B. No entry and appearance shall be signed prior to the filing of a petition.
- C. All Agreements and Agreed Orders shall contain the correct mailing and e-mail addresses for the attorneys and parties.

## **703 Divorce Education Program**

Families involved in a divorce proceeding where there are minor children may be ordered to participate in a Divorce Education Program. A sliding scale regarding fees for the program is available for qualifying families. A schedule of sessions and brochure shall accompany this notification of requirement to attend.

## **704 Mediation**

### **A. Mediation**

If ordered by the court pursuant to FCRPP 2(6), the parties shall engage in mediation unless the exceptions provided under KRS 403.036 apply.

**B. Requirements for Property Mediation**

The parties shall exchange and provide to the mediator, in no less than five (5) working days prior to the mediation conference, the following:

1. Supplement to financial disclosure statement regarding any material change:
2. A short statement including definition of the issue to be addressed by the mediator and a brief narrative statement of any special problems affecting the case (e.g. closely held corporation, medical problems of any family member, etc.).
  - a. Copies of all documents supporting valuation of assets;
  - b. Copies of all documents verifying monthly payments and outstanding balances on all debts; and,
  - c. All information and copies of all documents requested by the mediator prior to the mediation conference.

**C. Qualifications and Applications for Jefferson Family Court Approved Mediators**

1. A Jefferson Family Court Approved mediator shall complete a minimum of forty (40) hours in a family mediation training program approved by the Jefferson Family Court Term and shall have a college degree, prior basic education and training in the Behavioral Sciences, or be an attorney licensed to practice in the Commonwealth of Kentucky. The parties may select a mediator with equivalent experience who is not on the Court approved list.
2. Applications to become a Court approved mediator may be obtained from the Jefferson Family Court Administrator's Office.
3. The Jefferson Family Court Judges shall approve additions or deletions to the approved mediator list.

**D. Disqualification of a Mediator**

Any party may move the Court to disqualify a mediator. Mediators have a duty to disclose any fact bearing on their qualifications, including any fact which would be grounds for disqualification of a judge. If the Court rules that a mediator is disqualified, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall limit the discretion of a mediator to refuse any assignment. A mediator may elect to decline to act as the mediator, which is final upon written notification to the parties, the Court, and the Jefferson Family Court Administrator (Form JFRP 706).

**E. Adjournment**

The mediator may suspend or terminate mediation whenever, in the opinion of the mediator, the matter is not appropriate for further mediation or at the request of either party.

**F. Counsel**

The parties shall attend the mediation conference and shall appear promptly at the time and location for the scheduled mediation conference. The attorneys for each party may attend and participate, subject to the defined roles of the mediator, and shall at all times be permitted to privately communicate with their respective clients.

**G. Compensation of Mediator**

1. The mediator shall be compensated at the rate agreed upon by the mediator and the parties unless either or both parties qualify for the Family Court Sliding Scale Fee Schedule set out below. The mediator's fee may include, but is not limited to:
  - a. Mediation sessions;
  - b. Preparation for sessions;
  - c. Travel time;
  - d. Postponement or cancellation of mediation sessions by the parties and the circumstances under which such charges will normally be assessed or waived; and
  - e. Preparation of the parties' written mediation agreement if prepared by the mediator; and,
2. Sliding Fee Schedule

The following sliding scale does not apply to a party whose annual adjusted Gross Income is equal to or greater than \$60,000. Each party shall be responsible for paying a percentage of the fee based on their proportional share of their combined annual adjusted Gross Income.

<u>Individual Salary Range</u>		<u>Individual Fee per Hour</u>
0	- \$4,999.....	\$ 5.00
\$5,000	- \$7,499.....	\$10.00
\$7,500	- \$9,999.....	\$15.00
\$10,000	- \$14,999.....	\$25.00
\$15,000	- \$17,999.....	\$40.00
\$18,000	- \$24,999.....	\$50.00
\$25,000	- \$31,999.....	\$60.00
\$32,000	- \$37,999.....	\$70.00
\$38,000	- \$59,999.....	\$80.00

**H. Completion of Mediation**

1. At the conclusion of mediation, the mediator shall report without comment to the Court and the Jefferson Family Court Administrator as to the outcome of the mediation, (i.e. a full agreement, partial agreement or mediation terminated) by using Form JFRP 706. A termination or non-agreement shall be without prejudice to either party.
  - a. Handwritten or recorded mediation agreements must be typed and signed by all parties and their counsel, if any, within ten (10) working days.
2. The Court shall retain final authority to accept, modify, or reject an agreement.
3. The parties shall have the affirmative duty to contact the court's secretary and remand any pending hearings concerning resolved issues.

**I. Confidentiality**

1. Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential. The same protection shall

be given to communications between the parties in the presence of the mediator, and to all communications, verbal or written, with the Jefferson Family Court Administrator or designee. The only exception to this Rule is that the mediator shall be responsible for reporting abuse according to KRS 209.030, KRS 209A.030 and KRS 620.030.

2. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by K.R.E. 408.
3. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation which is considered confidential. This privilege and immunity resides with the mediator and may not be waived by the parties.

## **705 Parenting Coordinator**

The purpose of the Parenting Coordinator is to provide parents in high conflict an alternative to litigation and expensive, divisive court battles, and to make decisions or recommendations that are in the best interest of the children. A high conflict family requires assistance in resolving persistent conflicts. The Court may appoint a Parenting Coordinator when mediation is unsuccessful or inappropriate due to domestic violence.

### **A. Role of Parenting Coordinator**

The Parenting Coordinator shall facilitate parents in making and implementing joint decisions in the best interest of their minor children and, when agreed to by the parties, make decisions, with the exception of custody or primary residence, on behalf of families.

Absent the agreement of the parties, the Parenting Coordinator may make recommendations to the Court on the following:

1. The parenting schedule or conditions (other than a court-ordered requirement of supervision), telephone, or any other type of contact;
2. Exchange and/or transportation of the child, including time and place of exchange;
3. Education, daycare, and/or extracurricular activities for the child;
4. Requiring a parent to submit or produce a child to submit to a substance abuse screen, psychological or custody evaluation, and to provide release for reports or results.
5. The times for religious observances and training by the child; and
7. Address other issues raised by the parties.

### **B. Decisions by a Parenting Coordinator**

The parties may agree to work with a Parenting Coordinator by signing an Agreed Order, and they shall comply with the decisions of the Parenting Coordinator if those decisions are permitted under the Agreed Order.

### **C. Recommendations by a Parenting Coordinator**

If the parties do not agree to work with a Parenting Coordinator, the Court may order the parties to a Parenting Coordinator who will make written recommendations (not decisions) to the Court regarding issues pending before the Court. The Court will



consider the Parenting Coordinator's report and other evidence at a hearing when making its decisions.

**D. Parenting Coordinator Qualifications**

1. The Parenting Coordinator shall have (a) either a minimum of a master's degree in psychology or social work, or (b) forty (40) hours of training in mediations, and (c) either five (5) years experience in mediation or five (5) years experience in family therapy; OR
2. The Parenting Coordinator shall have (a) a minimum of five (5) years practicing family law as an attorney with concentration of at least fifty percent (50%) of his/her practice in family law, and (b) forty (40) hours of training in mediation, and (c) either five (5) years experience in mediation or five (5) years negotiating conflict and achieving parenting plans.
3. The Jefferson Family Court term shall decide who is qualified to serve as a Parenting Coordinator.

**E. Parenting Coordinator Cost**

1. **By Agreed Order:**  
The parties shall agree what share each will pay of the hourly fee set by the Parenting Coordinator.
2. **By Court Order:**  
If the Court appoints a Parenting Coordinator to make recommendations to the Court, the parties shall pay the Parenting Coordinator's hourly fee as allocated by the Court.

## **RULE 8 STATUS**

**There are no local rules pertaining to Status cases.**

## **RULE 9 MISCELLANEOUS**

### **901 Identification of Counsel or Party Required**

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

### **902 Protection of Personal Identifiers**

- A. The Family Court Case Data Sheet must be fully completed in all cases. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted

sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.

As used in this section, “personal identifier” means a Social Security number or taxpayer identification number, date of birth, or financial account number.

- B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by JFPR 506 and by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

### **903 Notice of Submission**

In accordance with SCR 1.05(8), when any action stands submitted for final adjudication, counsel or unrepresented parties shall file an AOC Form 280 with the Judge, Family Court Clerk and Administrative Office of the Courts.

### **904 Video Copies of In-Chamber Interviews with Children**

Pursuant to FCRPP 17, the Jefferson County Circuit Court Clerk’s Video Office shall not release any Jefferson Family Division video in-chamber interviews with children without a specific written order of a Family Court Division Judge. An individual requesting a judicial order must provide the Family Court Judge a written explanation for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child and specific purpose for the request.

### **905 Requests for Confidential Video Records**

The Jefferson County Circuit Court Clerk’s Video office shall not release any copies of Jefferson Family Court confidential video records, except for Paternity actions, without a specific written order from the presiding Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child’s Guardian ad Litem, if any, and set forth the purpose for the request.

Except that, pursuant to KRS 610.340(2), this shall not apply to public officers or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as certified by that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

### **906 Releasing Individuals in Custody**

As authorized by Court Order, the front counter deputy clerks in the Jefferson Family Court Clerk’s Office may sign releases for individuals in custody who purge themselves of contempt or post bond.

### **907 Distribution of Orders and Other Documents**

To facilitate more efficient processing, the Jefferson County Family Court Clerk may electronically transmit court orders and other documents relating to actions from the Dependency, Neglect and Abuse docket and the Status docket, to the Cabinet for Health and

Family Services, the Court Designated Workers, and to attorneys who have agreed to electronic receipt of Court orders, on an as-needed basis, to facilitate more efficient processing.